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|-------------------------------|-----------------|-------------------|--|
| <b>Notice of Allowability</b> | Application No. | Applicant(s)      |  |
|                               | 09/867,174      | SCHEER, ROBERT H. |  |
|                               | Examiner        | Art Unit          |  |
|                               | Yogesh C. Garg  | 3625              |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to Board decision on Appeal on 11/13/2006.
2.  The allowed claim(s) is/are 11-20.
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
 of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

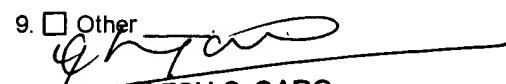
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 12/28/2006.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_

  
**YOGESH C. GARG**  
**PRIMARY EXAMINER**  
**TECHNOLOGY CENTER 3600**

**DETAILED ACTION**

1. This action is being written pursuant to the following:

Board's Decision on 11/13/2006 reversed the rejection of claims 11-20 under USC 103 as being unpatentable over Altendahl in view of Landvater.

***Drawings***

2. The drawings filed on 05/29/2001 are acceptable subject to resubmission of a clean set of drawings with the shaded areas and the text in the drawings are clearly readable. In order to avoid abandonment of this application, resubmission of a clean set of drawings is required in reply to the Office action. The correction will not be held in abeyance.

***Allowable Subject Matter***

3. Claims 11-20 are allowed.

The following is an examiner's statement of reasons for allowance:

***Reasons for Allowance***

**Claims 11-20**

4. The prior art of record, alone or combined, neither anticipates nor renders obvious a computer readable media having computer executable instructions for use in

selecting a fulfillment plan for moving an item within a supply chain distributed over a plurality of geographic locations, the instructions performing steps, *inter alia*, as a whole comprising in response to receipt of an order for the item constructing a plurality of alternative fulfillment plans for moving the item from a sourcing point to each of the plurality of geographic locations within the supply chain, evaluating each of the constructed plurality of alternative fulfillment plans against a predetermined criteria, and selecting for implementation one of the constructed plurality of alternative fulfillment plans that most closely meets the predetermined criteria, the selected one of the plurality of alternative fulfillment plan being used to position the item at one of the plurality of geographic locations within the supply chain thereby making the item available for use in meeting the order (see independent claim 11. Claims 12-20 are dependencies of claim 11).

The claims subject matter is supported by the disclosure (see applicant's "summary of invention " on pages 2-3 of the Appeal Brief filed on 10/24/2005).

5. Discussion of most relevant prior art:

The most closely applicable prior art of record is combination of Altendahl (US Patent 6,571,213) in view of Landvater (US Patent 6,609,101) used in the Final office action mailed on 8/2/2005. Altendahl teaches evaluating a plurality of methods of shipping a package and selects appropriate shipping method based upon a pre-set of rules. While Altendahl does teach that the rules may cover a plurality of locations (see for example, figure 6 and discussion in column 12, lines 19 through 39), Altendahl does

not suggest or teach that in response to an order, more than one destination is evaluated for the same order and a determination is made as to which destination the item ordered is to be shipped. Landvater teaches a system for forecasting a retail store's needs for items. See abstract. While Landvater does teach the items may be shipped to different locations in the supply chain, he does not suggest or teach, in response to an order, constructing alternative fulfillment plans to ship the ordered item to different locations and then select the location based upon an evaluation of the fulfillment plan.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C. Garg whose telephone number is 571-272-6756. The examiner can normally be reached on Increased Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Yogesh C Garg  
Primary Examiner  
Art Unit 3625

YCG  
12/28/2006